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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,135	08/16/2001	Takanori Nishimura	212768US6	1259

22850 7590 02/02/2007
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EXAMINER

MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
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2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/930,135

Applicant(s)

NISHIMURA ET AL.

Examiner

Michael D. Meucci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 30 October 2006.
2. Claims 1-26 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9-11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (U.S. 6,564,380 B1) in view of Griggs (U.S. 2002/0029384 A1).

a. As per claims 1, 9, and 17, Murphy discloses a receiving reservation request information, including desired service time to use the distribution server and contact addresses of clients who should be informed that the content distribution will be preformed from the distributor terminal apparatus to the reservation control apparatus via a network (lines 34-48 of column 3, lines 30-35 of column 7, and lines 42-45 of column 11); setting a reservation based on said reservation request information (lines 35-38 of column 12); unidirectionally streaming the content distribution from a live distribution source to the third party based on said reservation request information (lines 15-18 of column 4, lines 28-38 of column 12), said reservation request information

includes one of at least a first reservation type and a second reservation type (lines 8-16 of column 13). While Murphy discloses replying to the request with an access code for accessing the stream (lines 33-38 of column 11), additionally discloses the first party designating one or more persons authorized to access the video feed at a particular time, be it live or stored (lines 45-52 of column 11) and allowing the first party to search and query to find desired video feeds, thereby returning a notification to the first party as to when the content distribution will occur (lines 27-32 of column 12), Murphy does not explicitly teach sending notification information based on the reservation request information to notify the third party that the content distribution will be performed and a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the notification is sent to the contact address of the client users.

However, Griggs discloses: "To work through fire walls that might exist on the local side 800 of the system, the media manager 803 is preferably coupled to the media transport system 809, such that after the catalog interface 801 informs the user that the program has been paid for and that the video data is ready to be transmitted, the catalog interface 801 sends an authorization confirmation to the media manager 803," (paragraph [0053] on page 5. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to send notification information based on the reservation request information to notify the third party that the content distribution will be performed and a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be

performed where the notification is sent to the contact address of the client users. This “informs the user that the program has been paid for and that the video data is ready to be transmitted,” (paragraph [0053] on page 5 of Griggs). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to send notification information based on the reservation request information to notify the third party that the content distribution will be performed and a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the notification is sent to the contact address of the client users in the system as taught by Murphy.

b. As per claims 2 and 10, Murphy discloses notification information includes access information for connection to said distribution server (lines 35-45 of column 3 and lines 34-38 of column 11).

c. As per claims 3 and 11, Murphy discloses the step of sending notification information includes sending authentication information for the client user to acquire a permission to access said distribution server, and said notification information includes said authentication information (lines 45-51 of column 10).

5. Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Griggs as applied to claims 1 and 9 respectively, in view of Arai et al. (U.S. 6,751,401) hereinafter referred to as Arai.

a. As per claims 4 and 12, Murphy teaches a reservation system and method but does not explicitly teach a cancellation notification step of sending

cancellation notification information from the reservation control apparatus to the contact addresses of said clients via a network. However, Arai teaches a broadcast system which allows users to make a reservation for a target program in various ways, including a means for notifying the user of a failure of the reservation when the broadcasting of the program is canceled (lines 62-68 of column 4). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have means for notifying the user of a reservation cancellation. "With this arrangement, the user can know the failure of the reservation," (lines 65-67 of column 4 in Arai. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to notify the user of a reservation cancellation in the system as taught by Murphy.

6. Claims 5, 8, 13, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Griggs as applied to claims 1 and 9, in view of Nelson (U.S. 6,496,568 B1).

a. As to claims 5 and 13, Murphy teaches a reservation system and method but does not explicitly teach a notification step of sending change notification information from the reservation control apparatus to the contact addresses of said clients via a network. However, Nelson discloses: "The determination of whether an event requires notification could be processed by airline CMM interface 135 and/or the notifier and updater system 110," (lines 15-17 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a notification step for notifying users of changes in the reservation. "Processing continues to step 405 where the airline information is manipulated to determine whether there is a flight schedule event requiring notification, such as a change in gate, a flight cancellation or a flight delay," (lines 18-21 of column 6 in Nelson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a notification step for notifying users of changes in the reservation, in the system as taught by Murphy.

b. As per claims 8 and 16, Murphy teaches a reservation system and method but does not explicitly teach that the notification be sent to the client's email address, which is designated as the contact address. However, Nelson teaches a real-time automatic notification system where the notification is provided through email (lines 64-66 of column 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide notifications through email. "Once notifier and updater system 110 identifies a notification event and has determined the set of customers to notify, notifier and updater system 110 proceeds with the notification. Customers can be notified via an unlimited number of mechanisms, including interactive voice response messages over the telephone network, pages over a paging or cellular network, email, or even make such notification available at a web site should the customer want to check the status of some event," (lines 7-15 of column 4 in Nelson). It is for this reason

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that one of ordinary skill in the art at the time of the applicant's invention would have been motivated provide notifications through email in the system as taught by Murphy.

7. Claims 6- 7 and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Griggs as applied to claims 1 and 9, in view of Waytena et al. (U.S. 5,978,770) hereinafter referred to as Waytena.

As to claims 6-7 and 14-15, Murphy teaches a reservation system and method but does not explicitly teach of sending a notification to confirm the reservation via a network. However, Waytena teaches a system for assigning and managing patron reservations to one or more of plurality of attractions and also provides a confirmation notification (lines 11-17 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention have a permission notification step to notify that the content distribution is permitted and to reconfirm the reservation. "A proposed reservation time is provisionally stored in a virtual queue and transmitted back to the PCD for confirmation or rejection by the patron. If the patron elects to confirm the proposed reservation time, the PCD transmits a confirmation message to the attraction computer which confirms the reservation in the virtual queue. If the patron rejects the reservation or does not confirm it within a predetermined time period, the reservation is removed from the virtual queue and the proposed reservation time is released so that it may be made available to other patrons," (lines 17-27 of column 3 in Waytena). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would

have been motivated to have a permission notification step to notify that the content distribution is permitted and to reconfirm the reservation in the system as taught by Murphy.

8. Claims 24-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Griggs as applied to claims 1, 9, and 17 respectively, in view of Johnson et al. (U.S. 7,143,177 B1) hereinafter referred to as Johnson.

a. As per claims 24-26, Murphy does not explicitly teach: sending, at a predetermined time before said step of unidirectionally streaming, a prompt to reconfirm said reservation request. However, Johnson discloses: "Within the pre-show control subsystem 136, there is a registration module 140 and an associated network interface (not shown), wherein audience members confirm their registration for a presentation performance, via, for example, network 70," (lines 40-45 of column 10). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to send, at a predetermined time before said step of unidirectionally streaming, a prompt to reconfirm said reservation request. "Note that confirmation of presentation performance registration includes, if necessary, a download of presentation specific software that provides a client with an icon on the client's client node 56 as a reminder of the scheduled presentation performance date and time for which the client has registered. Further, if the presentation for which the client has registered requires one or more software audio or video software systems, then the downloaded application software checks for these systems on the client's client node 56 and subsequently advises the

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client if one or more of the software systems required must be downloaded prior to the presentation performance," (lines 45-56 of column 10 in Johnson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to send, at a predetermined time before said step of unidirectionally streaming, a prompt to reconfirm said reservation request in the system as taught be Murphy.

Response to Arguments

9. Applicant's arguments filed 30 October 2006 have been fully considered but they are not persuasive.

10. (A) The applicant contends that Murphy does not teach sending reservation request information to a distribution server, along with contact address of clients who should be informed that the content distribution will be performed. The examiner respectfully disagrees.

As to point (A), applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The applicant is directed to lines 34-48 of column 3, lines 30-35 of column 7, and lines 42-45 of column 11 of Murphy. As such, the rejection remains proper and is maintained by the examiner.

11. (B) The applicant contends that Murphy does not teach a subsequent step of sending notification information based on the reservation request information and for notifying that the content distribution will be performed where the notification is sent to the contact address of the client users.

As to point (B), this argument is moot due to the most recent amendments to the claims. The examiner had previously relied on the Miyazaki reference for teaching this limitation. However, the amendment made to the claims requiring unidirectional streaming changes of scope of the claim as a whole. The Griggs reference was incorporated in the rejection to obviate the deficiencies of Murphy. The new grounds of rejection are necessitated by the amendment.

12. (C) The applicant contends that Murphy fails to teach the claimed cancellation and change notices in claims 4-5 and 12-13 as well as the claimed reconfirmation required by claims 6-7 and 14-15.

As to point (C), the examiner points out that the Murphy reference was not relied upon for these limitations. The Arai reference was cited for rejection of these limitations of claims 4 and 12, the Nelson reference was cited for rejection of these limitations of claims 5 and 13, and the Waytena reference was cited for rejection of these limitations in claims 6-7 and 14-15.

13. (D) The applicant contends that there is no support to combine the video teleconference scheduling features of Miyazaki with Murphy.

As to point (D), this argument is moot due to the most recent amendments to the claims. The examiner had previously relied on the Miyazaki reference for teaching this limitation. However, the amendment made to the claims requiring unidirectional streaming changes of scope of the claim as a whole. The Griggs reference was incorporated in the rejection to obviate the deficiencies of Murphy. The new grounds of rejection are necessitated by the amendment.

14. (E) The applicant contends that both Murphy and Miyazaki fail to teach reservation request information that includes one of at least a first reservation type and a second reservation type. The examiner respectfully disagrees.

As to point (E), the examiner points out that in the independent claims 1, 9, and 17, the examiner is entitled to give the terms "first reservation type" and "second reservation type" the broadest reasonable interpretation. Lines 8-16 of column 13 in Murphy teach this limitation as stated in the rejection above. These first/second reservation types include: one-time access to the feed, multiple accesses to the feed, exclusive access to the feed, non-exclusive access to the feed, and unlimited use of the feed with rights to edit or create derivative works. Accordingly, the rejection is proper and is maintained by the examiner.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Neal et al. (U.S. 2006/0259607 A1) discloses streaming live media events.

Lange et al. (EP 111123 A1) discloses streaming media and reconfirmation.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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